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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/822,735

Filing Date: March 30, 2001

Appellant(s): SUN ET AL.

Thinh V. Nguyen
Reg. No. 42,034
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 25, 2006 appealing from the Office action mailed March 27, 2006.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is incorrect. Appellant states Claims 1-3, 5-13, **15-3**, and 25-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0081027 A1 by Chatterjee et al. ("Chatterjee 1"), US Patent No. 6,549,675 issued to Chatterjee ("Chatterjee 2") and US Patent No. 6,847,365 issued to Miller et al. ("Miller") in view of US Patent No. 6,697,352 issued to Ludwig et al. ("Ludwig").

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------------|-------------------|---------|
| 2002/0081027 A1 | Chatterjee et al. | 06-2002 |
| 6,549,675 B2 | Chatterjee | 04-2003 |
| 6,847,365 B2 | Miller et al. | 01-2005 |
| 6,697,352 B1 | Ludwig et al. | 02-2004 |
| 6,741,749 B2 | Herbert, Jr. | 05-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-13, 15-23, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. US2002/0081027A1 (Sec. 0018) and US 6,549,675 (that is incorporated by reference) by Chatterjee and US Patent 6,847,365 by Miller et al in view of US 6,697,352 by Ludwig et al.

In regards to claims 1 and 8, Chatterjee disclosed apparatus comprising:

an encoder to encode data having a first format into a string of data having a second format (Chatterjee Sec.0016, 0018), the first and second formats being different (Chatterjee Sec. 0016, 0018);

a packetizer coupled to the encoder to packetize the string of data into at least one packet having a header (Chatterjee Sec.0016, 0021) (US 6,549,675 Col 16, lines 14-16) ; and

a decoder coupled to the packetizer to decode the at least one packet back into the data having the first format (Chatterjee Sec.0020, 0023, and Fig. 3)

but does not explicitly teach about a management layer that is coupled to the encoder that process data in a first format from an input device using a processing function , the processing function being enable or disable using a configuration user interface. Nor teach the header identifying the first format. Chatterjee invention teaches about a method of transporting of digital ink using a packet with a header (Chatterjee Sec.0018 and Fig. 2)(US 6,549,675 Col 16, lines 14-16) but does not extend itself to handling other formats. Ludwig teaches about a system for processing data of more than one format (abstract). The need for handling more than one header being able to carry the identity of the type of protocol it is transported as disclosed by Ludwig (Col 6, lines 45-65). This is consistent with the standard of the internet, which was the medium of choice used by Chatterjee (Chatterjee Sec.0019). Miller teaches about a method for efficient processing of multimedia data. By selectively configuring one of the media

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processing elements (encoder) base on the format that was being presented, Miller was able to use the same infrastructure to support multiple formats (Col 19, lines 45-65).

It would have been obvious at the time of the invention for some one of ordinary skill to improve on Chatterjee invention by using the combine method of Ludwig and Miller, which allows the infrastructure of Chatterjee invention to be extended to accommodate multiple formats.

In regards to claims 2, Chatterjee, Ludwig and Miller combined, disclosed wherein the decoder comprises a detector to detect the second format and a converter to convert the string of data back into the data having the first format. (Chatterjee Sec.0023)

In regards to claims 3 and 8, Chatterjee , Ludwig and Miller combined, disclosed at least one packet is transmitted to a network supporting the second format. This function is realized because packetized messages may be sent as text in an e-mail message, (Chatterjee Sec.0016)

In regards to claim 5, Chatterjee, Ludwig and Miller combined, disclosed wherein the second format is an American Standard Code of Information Interchange (ASCII) format. (Chatterjee Sec.0016, 0018)

In regards to claim 6, Chatterjee , Ludwig and Miller combined, disclosed wherein the data having the first format is ink input data. (Chatterjee Sec.0016)

In regards to claim 7, wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse. The applicant admits "it is well known to capture hand written input in an electronic form by capturing information associated with the movement of an electronic pen on a tablet." (Chatterjee Sec. 0018) (US 6,549,675 Col 4, lines 20-30) included by reference).

In regards to claim 9 and 19, Chatterjee, Ludwig and Miller combined, teaches about an apparatus of claim 8 [18] wherein the processing function is one of a filter, an interpolation, a smoothing , a data reduction, a compaction, a compression an encryption and handwriting recognition (Col 4 line 60-Col 5 line 20).

In regards to claim 10 and 20, Chatterjee , Ludwig and Miller combined, teaches about an apparatus of claim 8 [19] further comprising an interface layer coupled to the packetizer to process the at least one packet into one of an instant message, a chat message, and e-mail message (Chatterjee Sec.0019).

Claims 11 and 18 are the methods to the apparatus of claim 1 and 8 and are rejected for the same reason.

In regards to claims 12, Chatterjee , Ludwig and Miller combined, disclosed wherein the decoding comprises detecting the second format and converting the string of data into the data having the first format. (Chatterjee Sec.0023)

In regards to claims 13, Chatterjee, Ludwig and Miller combined, disclosed wherein the at least one packet is transmitted to a network supporting the second format This function is realized because packetized messages may be sent as text in an e-mail message. (Chatterjee Sec.0016)

In regards to claim 15, Chatterjee, Ludwig and Miller combined, disclosed wherein the second format is an American Standard Code of Information Interchange (ASCII) format. (Chatterjee Sec., 0016, 0018)

In regards to claim 16, Chatterjee, Ludwig and Miller combined, disclosed wherein the data having the first Format is ink input data. (Chatterjee Sec.0016)

In regards to claim 17, Chatterjee, Ludwig and Miller combined, disclosed wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse. The applicant admits "it is well known to capture hand written input in an electronic form by capturing information associated with the movement of an electronic pen on a tablet." Chatterjee Sec. 0018) (US 6,549,675 Col 4, lines 20-30) included by reference).

Claims 21 and 28 are the computer program for the apparatus of claim 1 and claim 8 respectively and are rejected for the same reason.

In regards to claims 22, Chatterjee, Ludwig and Miller combined, disclosed wherein the computer readable program code for decoding comprises computer readable program code for detecting the second format and converting the string of data into the data having the first format. (Chatterjee Sec.0023)

In regards to claim 23, Chatterjee, Ludwig and Miller combined, disclosed wherein the at least one packet is transmitted to a network supporting the second format. This function is realized because packetized messages may be sent as text in an e-mail message. (Chatterjee Sec.0016)

In regards to claims 25, Chatterjee, Ludwig and Miller combined, disclosed wherein the second format is an American Standard Code of information Interchange (ASCII) format. (Chatterjee Sec.0016,0018)

In regards to claim 26, Chatterjee, Ludwig and Miller combined, disclosed wherein the data having the first format is an ink-input data. (Chatterjee Sec.0016)

In regards to claim 27, wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse. The applicant admits "it is well known to capture hand written input in an electronic form by capturing information associated with the movement of an electronic pen on a tablet." (Chatterjee Sec. 0018) (US 6,549,675 Col 4, lines 20-30) included by reference).

3. Claims 4, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatterjee , Ludwig and Miller as applied to claims 1-3, 5-13, 15-23, and 25-30 above, and further in view of Herbert, Jr. (U.S. Patent No. 6,741,749) hereinafter referred to as Herbert.

Chatterjee teaches encoding and decoding electronic ink data (first format) into ASCII text (second format). Chatterjee also teaches formatting ink data into packets and transmitting ASCII encoded ink data across a network using electronic mail (abstract) but doesn't specifically disclose apparatus, method, or computer program product "wherein the network comprises an instant messaging (IM) infrastructure" (transmitting ink data across an instant messaging infrastructure).

Herbert teaches that it is often desirable to capture ink data (handwritten information) so that it may be incorporated into e-mail messages, facsimiles, and instant messages. (Column 5, lines 1-5)

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the teachings of Chatterjee with the teachings of Herbert to expand the number of transport mechanism for transmitting ink data.

(10) Response to Argument

Appellants argued in substance that:

(a) Chatterjee 1, Chatterjee 2, Ludwig, and Miller, taken alone or in any combination, do not disclose, either expressly or inherently, at least one of (1) a management layer to process data using a processing function; (2) the processing function is enabled or disabled by a configuration user interface; (3) a packetizer to packetize the string of data into at least one packet having a header identifying the first format as recited in claims 1, 8, 11, 18, 21, and 28; and (4) a detector to detect the second format as recited in claims 2, 12, and 22.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Chatterjee 1 discloses a digital ink structure used to compress digital ink picture to a binary stream using a compression codec (paragraphs [0017-0018]).

Therefore, a management layer (digital ink structure) is disclosed to process data (compress) using a processing function (compression codec). Chatterjee 2 discloses an interface used by the user to write on the touchscreen (column 5, lines 4-16). Therefore, a configuration user interface is provided to enable or disable the processing function. Ludwig discloses packets consisting of frames having individual headers to identify the type of information being transported by the frame. Protocol identification can be determined by the header (column 9, lines 60-67, column 10, lines 1-4, column 11, lines 60-67). Therefore, Ludwig

discloses a packetizer to packetize the data string into at least one packet having a header identifying the first format. Chatterjee teaches encoding and decoding compressed data. The decoder recognizes encoded digital ink and goes through the process of decoding the data stream (paragraph [0023]). Therefore, it is taught that a detector detects the second format.

(b) Chatterjee 1 merely discloses formatting, compressing, and encoding. No packetizing is performed.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Ludwig discloses packetizing data. Packets may be embedded into packets of layer n (column 9, lines 40-45, 60-67).

(c) The header is produced during compressing, before the encoding. In contrast, the claimed invention provides the header during packetizing after the encoding.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Ludwig discloses the packet header carrying information on the contents of the packet. One or more sections are associated with respective protocol layers and contains protocol identification information (column 12, lines 60-67).

(d) Chatterjee 1 does not disclose that the header identifying the first format.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Ludwig discloses packets consisting of frames having individual headers to identify the type of information being transported by the frame. Protocol identification can be determined by the header (column 9, lines 60-67, column 10, lines 1-4, column 11, lines 60-67).

(e) Regarding claims 2, 12, and 22, Chatterjee 1 does not disclose detecting the second format.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Chatterjee teaches encoding and decoding compressed data. The decoder recognizes encoded digital ink and goes through the process of decoding the data stream (paragraph [0023]). Therefore, it is taught that a detector detects the second format.

(f) Chatterjee 2 merely discloses encoding the second order differences of the X-axis and Y-axis data and encapsulating the encoded bitstream into a data packet. There are no two different formats.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Chatterjee teaches encoding and decoding compressed data. The decoder recognizes encoded digital ink and goes through the process of decoding the data stream (paragraph [0023]). Therefore, it is taught that a detector detects the second format.

(g) Chatterjee 1 and Chatterjee 2 do not disclose a management layer to process data in a first format using a processing function that is enabled or disabled by a configuration user interface.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Chatterjee 1 discloses a digital ink structure used to compress digital ink picture to a binary stream using a compression codec (paragraphs [0017-0018]).

Therefore, a management layer (digital ink structure) is disclosed to process data (compress) using a processing function (compression codec).

(h) The Examiner does not identify the management layer and/or the configuration user interface in any one of Ludwig and Miller. Therefore, the combination of Chatterjee 1, Chatterjee 2, Ludwig, and Miller is improper.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Chatterjee 1 discloses a digital ink structure used to compress digital ink picture to a binary stream using a compression codec (paragraphs [0017-0018]).

Therefore, a management layer (digital ink structure) is disclosed to process data (compress) using a processing function (compression codec).

(i) Examiner failed to show that the prior art reference explicitly discloses the packetizer, the encoder, or decoder.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Ludwig discloses packets consisting of frames having individual headers to identify the type of information being transported by the frame. Protocol identification can be determined by the header (column 9, lines 60-67, column 10, lines 1-4, column 11, lines 60-67). Therefore, Ludwig discloses a packetizer to packetize the data string into at least one packet having a header identifying the first format. Chatterjee teaches encoding and decoding compressed data. The decoder recognizes encoded digital ink and goes through the process of decoding the data stream (paragraph [0023])

(j) Chatterjee 1 nor Chatterjee 2 discloses a packetizer to packetize the string of data into at least one packet having a header.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Ludwig discloses packets consisting of frames having individual headers to identify the type of information being transported by the frame. Protocol identification can be determined by the header (column 9, lines 60-67, column 10, lines 1-4, column 11, lines 60-67).

(k) Chatterjee 1 nor Chatterjee 2 discloses implicitly or explicitly that the header identifies the first format.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Ludwig discloses packets consisting of frames having individual headers to identify the type of information being transported by the frame. Protocol

identification can be determined by the header (column 9, lines 60-67, column 10, lines 1-4, column 11, lines 60-67).

(l) There is no teaching or suggestion that a packet transmitted to a network having an instant messaging infrastructure present.

(m) There is no suggestion or motivation to combine Chatterjee 1, Chatterjee 2, Ludwig, Miller, and Herbert.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of these references allows the infrastructure of Chatterjee to be extended to accommodate multiple formats.

(11) Related Proceeding(s) Appendix

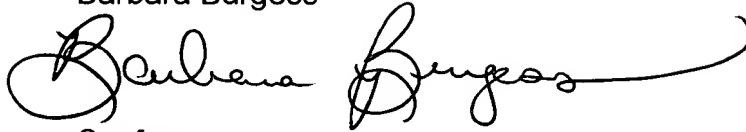
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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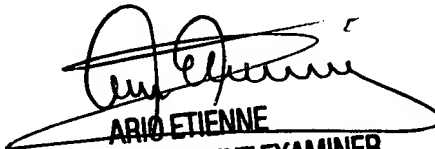
Barbara Burgess



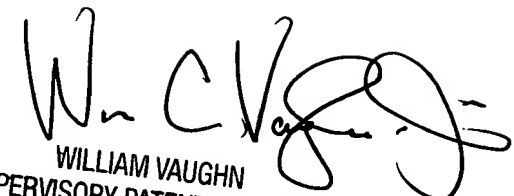
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